

Application No. : 10/043,876
Amdt. Dated : October 12, 2007
Reply To O.A. Of : April 12, 2007

REMARKS

The Applicant thanks the Examiner for their careful and thoughtful examination of the present application. By way of summary, Claims 1 – 23 were pending. In the present amendment, the Applicant withdrew Claims 21 – 23 without prejudice or disclaimer, and amended various claims. Accordingly, Claims 1 – 23 remain pending, and Claims 1 – 20 remain pending for consideration.

The Applicant would like to thank Examiner Janvier for the interview extended to the inventor and the Applicant's counsel of record, John M. Grover, on October 2, 2007. During the interview, the inventor clarified patentably distinguishing features of the disclosure. Accordingly, the Applicant amended Claims 1 and 15 along the lines discussed in the interview. Therefore, the Applicant respectfully requests reconsideration of the pending amended claims.

Status Of Claims

The Office Action referenced a restriction requirement followed by an election without traverse of Claims 1 – 20. The Applicant has no record of a restriction requirement or an election of Claims. However, in an effort to advance the prosecution of the present application, the Applicant confirms an election of Claims 1 – 20.

Rejection Of Claims 1 – 20 Under 35 U.S.C. §§ 102 (e) and 103

The Office Action rejected Claims 1 – 20 under 35 U.S.C. § 102 (e) as being anticipated by U.S. patent no. 6,014,634, issued to Scroggie et al. (the Scroggie patent). The Applicant respectfully traverses this rejection because the Scroggie patent fails to identically teach every element of the claim. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim). Moreover, the Office Action rejected Claims 1 – 20 under 35 U.S.C. § 103 as being unpatentable over U.S. patent no. 5,960,409, issued to Wexler. The Applicant also respectfully traverses this rejection because the Wexler patent fails to teach or suggest the elements of the claims. See M.P.E.P. § 2143 (stating that in order to

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establish a *prima facie* case of obviousness for a claim, the prior art references must teach or suggest all the claim limitations).

For example, the presently amended claims each recite an advertisement including indicia, that when activated, present previously hidden additional options for receiving additional information about the advertisement. At least one of those options is to have information emailed to a user. This type of advertisement allows a user to quickly select information they are, or someone they know would be, interested in without having the webpage or website they are currently reviewing be necessarily redirected (or a window popup redirected) to other websites. By way of an exemplary embodiment and not limitation, Figures 8 and 9 of the present specification illustrate an exemplary cubed "E" that when mouse-d over, presents 4 options for additional information (Figure 9).

In contrast, the Wexler patent discloses simple banner advertisement redirection. Moreover, the Scroggie patent discloses a supermarket system that uses purchase histories to push rebates to subscribers (Figures 14 – 15).

Accordingly, the Applicant submits that independent Claims 1 and 15 are not taught or suggested by the cited prior art. Therefore, the Applicant respectfully requests allowance of independent Claims 1 and 15.

Claims 2 – 14 and 16 – 20 which depend from Claims 1 and 15, respectively, are believed to be patentable for the same reasons articulated above with respect to Claims 1 and 15, and because of the additional features recited therein.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject

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matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Request For Telephone Interview

As agreed to in the October 2, 2007 interview, the Applicant's undersigned attorney of record hereby formally requests a telephone conference with the Examiner to the extent that the presently amended claims are deemed unallowable for any reason. The Applicant's attorney can be reached at (949) 721-2946 or at the number listed below.

In addition, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 12, 2007

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